IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

Crl.Rev.Pet.No. 2432 of 2007()

---

CRA.46/2005 of SESSIONS COURT, WAYANAD, KALPETTA
CC.215/2003 of JUDL.MAGISTRATE OF FIRST CLASS-II, MANANTHAVADY

.....

REVN. PETITIONER: APPELLANT/1ST ACCUSED:

---

SALEEM, S/O.HANEEFA, AGED 23 YEARS,
VARIYAMPARAMBIL HOUSE, THALAPOZHYA, TAVINJAL.

BY ADV. SRI.KRISHNA PRASAD. S
SRI.SUJITH P.SURENDRAN

RESPONDENTS: RESPONDENT/COMPLAINAT:

---

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM REPRESENTING S.I. OF POLICE,
MANANTHAVADY POLICE STATION (CRIME NO.42 OF 2003).

BY PUBLIC PROSECUTOR K.S. SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 20/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V.RAMKUMAR, J.**

---

Crl.R.P.No. 2432/2007

---

Dated this 20th day of June, 2007

**O R D E R**

In this Revision filed under Section 397 read with Sec. 401 Cr.P.C. the petitioner challenges the conviction entered and the sentence passed by the courts below for an offence punishable under Sections 279 and 337 IPC and Section 181 of the Motor Vehicles Act.

2. I heard the learned counsel for the Revision Petitioner and the learned Public Prosecutor.

3. Even though the learned counsel appearing for the Revisions Petitioner assailed the judgments, the finding recorded by the courts below are on the basis of appreciation of the oral and documentary evidence. Both the courts have believed the prosecution witnesses and sitting in the rarefied revisional jurisdiction, this court will be loathe in interfering with the concurrent findings. I do not find any error, illegality or impropriety in the finding recorded by the courts below.

4. What now survives for consideration is the question as to whether a proper sentence has been imposed on the Revision Petitioner.

5. Having regard to the facts and circumstances, the sentence of simple imprisonment for one month each under Sections 279 and 337 IPC and Section 181 of the Motor Vehicles Act, imposed on the revision petitioner is modified as follows:-

6. For his conviction under Sections 279 and 337 IPC, the revision petitioner is directed to pay a sum of Rs.3,000/- each as compensation under Section 357(3) Cr.P.C to Pws 1 to 4 and 10 in equal shares. For his conviction under Section 181 of the Motor Vehicles Act, the revision petitioner is sentenced to Rs.3,000/- by way of fine, out of which a sum of Rs.2,000/- shall be paid in equal shares to Pws 1 to 4 and 10 by way of compensation. The conviction entered against the revision petitioner is thus confirmed. The sentence is modified as above. If the above amounts are not paid within a period of one month, the appellate sentence imposed on the revision petitioner shall be revived.

The Crl.R.P is disposed of as above.

**V.RAMKUMAR,**
**JUDGE**

mrcs